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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,594	07/17/2003	Daniel J. Frederickson	30505.11.84	9064
22859	7590	11/04/2004	EXAMINER	
INTELLECTUAL PROPERTY GROUP FREDRIKSON & BYRON, P.A. 200 SOUTH SIXTH STREET SUITE 4000 MINNEAPOLIS, MN 55402			GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	
DATE MAILED: 11/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,594	Applicant(s) FREDERICKSON ET AL.	
	Examiner Bryon P. Gehman	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-6, 8-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala (Figure 13)(5,918,909) in view of Klure (6,224,108). Fiala discloses a package assembly comprising a display sheet (4.32 and 4.44 together), a covering (4.56), and a plurality of cards (C') retained within a closed space of the covering and display sheet, with plural cards from different accounts being activated at the same time (see column 2, lines 54-67). Klure discloses a package assembly comprising a display sheet (10) and a data field (26) affixed to the display sheet, a plurality of cards (12a, 112a) retained by the display sheet, wherein each card is uniquely associated with an account in a database, and wherein the data field may be used to activate an account associated with the cards. To modify the package assembly of Fiala employing the single data field disposed on a display sheet as taught by Klure would have been obvious in order to require only one reading to activate plural accounts and to simplify provision of the package assembly.

As to claim 3, Fiala discloses a folded multilayer display sheet.

As to claim 4, the display sheet of Fiala is formed from a plurality of sheets. To the degree the unitary sheets of Fiala are not held to meet the claim, to provide the display sheet from discrete sheets as opposed to a single sheet would have been

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obvious, as to provide a unitary structure from individual part has been held to have been an obvious variation.

As to claim 5, the data field of Klure is a magnetic strip. Magnetic strips as data fields are held to have been well known in the field.

3. Claims 12, 15-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala, Klure ('108) and Kubert et al. (6,729,656). The combination of Fiala and Klure has been described above. Kubert et al. discloses a card with its PIN covered. To further modify the combination employing a PIN covering as taught by Kubert et al. would have been obvious in order to prevent viewing of the PIN, as taught by Kubert et al.. To employ an ultraviolet-curable coating on the display sheet to cover the PIN, as taught by Kubert et al., would have been obvious in order to cover and protect the PIN.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala in view of Klure ('108). To employ the package structure of the combination as described above in the manner described would have been obvious.

5. Claims 2, 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 16 above, and further in view of Poshkus (4,245,035). Poshkus discloses a plastic sheet including a covering secured by radio frequency welding. To provide the display sheet of the prior art combination from plastic

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and employing radio frequency welding would have been an obvious substitution of field-recognized material and welding manner, as evidenced by Poshkus, the employment thereof failing to provide any new and unexpected result.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is presently (703) 605-1174 and effective November 9, 2004, becomes (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached presently on (703) 308-2672 and after November 9, 2004 on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4555 effective November 8, 2004.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bryon P. Gehman
Primary Examiner
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BPG